

## MINUTES

### CITY PLAN COMMISSION/ARCHITECTURAL REVIEW BOARD

SEPTEMBER 9, 2015

The City Plan Commission/Architectural Review Board of the City of Clayton, Missouri, met upon the above date at 5:30 p.m. Upon roll call, the following responded:

Present:

Chairman Steve Lichtenfeld  
Mark Winings, Aldermanic Representative  
Craig Owens, City Manager  
Ron Reim  
Sherry Eisenberg

Absent:

Josh Corson  
Vacant Seat

Also Present:

Louis Clayton, Planner  
Susan M. Istenes, AICP, Planning Director

Chairman Lichtenfeld asked that all cell phone ringers be turned off, that conversations take place outside the meeting room and that those who wish to speak approach the podium and to be sure the green light on the microphone is on for property recording of this meeting.

## MINUTES

The minutes of the August 7<sup>th</sup>, 2015 meeting were approved, after having been previously distributed to each member.

### SUBDIVISION PLAT – 25 NORTH CENTRAL AVENUE (OPUS DEVELOPMENT)

Joe Downs, Opus Development, was in attendance at the meeting.

Susan Istenes explained that this plat, which was approved by the Board of Aldermen back on June 9<sup>th</sup>, 2015, is being brought back as the applicant did not file/record it with the County within 30 days as required.

Chairman Lichtenfeld commented that the City would like to see the project move forward.

Being no further questions or comments, Ron Reim made a motion to recommend approval of the plat to the Board of Aldermen per staff recommendations. The motion was seconded by Craig Owens and unanimously approved by the members.

### ARCHITECTURAL REVIEW – ADDITION & ALTERATION TO SINGLE FAMILY RESIDENCE – 711 MIDDLE POLO DR

Peter Uetrecht, contractor, was in attendance at the meeting.

Susan Istenes explained that the 11,372-square-foot site is located on the north side of Middle Polo Drive and has a zoning designation of R-2 Single-Family Dwelling District. The existing two-story home was constructed in 1936 and measures 2,560 square feet. The applicant proposes to construct a half story addition and new front porch. Susan informed the Board that Subdivision Trustee approval was submitted to staff earlier today. The R-2 Zoning District limits the height of buildings to 2 stories or 30 feet, whichever is less. Partial stories under sloping roofs are permitted provided the limit in feet is not exceeded. The home will measure 29 feet 9 inches from existing grade to the midpoint of the new roof. The home to the east (709 Middle Polo Drive) was constructed in 1923 and is +/- 7.75 feet shorter than the proposed home (as measured from the mid-point of each roof), and is setback considerably closer to the street than the subject home. The home to the west (721 Middle Polo Drive) was constructed in 1925 and is +/- 3.75 feet shorter than the proposed home (as measured from the mid-point of each roof). The basic massing of the home is articulated on all sides with windows, dormers, doors, brick banding, and variations in roof forms. The primary building materials for the proposed addition is brick painted to match the existing. The new dormers, soffits, and fascia will be beige colored James Hardie siding and trim. The proposed roof will be clad in black architectural asphalt shingles, and new black windows are proposed to match the existing. The existing front porch will be removed and replaced with a new open, covered front porch constructed of materials to match the rest of the home. Exterior lighting is proposed at the front porch and will not exceed 75 watts. HVAC units are located at the rear of the home and are screened by the house, garage, and brick walls. Susan noted that the project as proposed is in conformance with the requirements of the R-2 Single Family Dwelling District and the Architectural Review Guidelines, that staff is of the opinion that the proposed design and materials of the addition is consistent with the existing home and on other homes in the neighborhood and therefore, recommends approval as requested.

Mr. Uetrecht began a PowerPoint presentation. He indicated that they plan to add ½-story to the attic and remodel the existing front porch. A slide depicting a photo of the house as it exists today and a black and white sketch of what it will look like after the proposed project is complete was shown. Slides depicting the site plan, all four elevations (Mr. Uetrecht noted that the house is 29'-9" in height), and the floor plan of the proposed addition were shown. He asked if there were any questions.

Chairman Lichtenfeld asked if there were any other additions resulting in a 2 ½ story structure in Polo.

Louis Clayton stated there have been none in the past 3 years.

Chairman Lichtenfeld stated that he didn't find any. He asked if only the dormers are Hardie Board.

Mr. Uetrecht indicated that the front porch columns contain Hardie Board as well as the soffits and fascia.

Sherry Eisenberg mentioned the 8-foot ceiling height; she asked about the dormers.

Mr. Uetrecht replied "also 8 feet". He informed the members that he brought the signatures of the Trustees if they want to see them.

Chairman Lichtenfeld commented that it is an interesting addition; but that it seems functional.

Sherry Eisenberg stated that it's a steep roof.

Ron Reim commented that it makes for interesting proportions; more historical.

Being no further questions or comments, Craig Owens made a motion to approve as submitted. The motion was seconded by Ron Reim and unanimously approved by the members.

Chairman Lichtenfeld asked when they plan to begin construction.

Mr. Uetrecht indicated that they hope to begin as soon as possible.

Chairman Lichtenfeld asked if the owners can occupy the house during construction.

Mr. Uetrecht stated that for the most part, yes; the exception being when the roof is off.

#### CONDITIONAL USE PERMIT/ARCHITECTURAL REVIEW – NEW RESTAURANT – 15 NORTH MERAMEC AVENUE

Brian Ivy, project architect, and Chris Sedlak, owner, were in attendance at the meeting.

Susan Istenes explained that this is a request for a Conditional Use Permit to operate a full service fine dining restaurant to be known as Eleventh Hour. The subject property is located on the west side of North Meramec Avenue, midblock between Forsyth Boulevard and Maryland Avenue. The property has a zoning designation of High Density Commercial District (HDC) and is located in the Downtown Core Overlay Zoning District. The property contains a two-story commercial building which was built in 1900. The first floor of the building was most recently occupied by a restaurant (Barrister's), and the second floor was occupied by an office tenant. The applicant

proposes to convert the entire building into an 8,277-square-foot restaurant which will accommodate 145 seats indoors. A 2,992-square-foot rooftop bar and dining area is also proposed on the third floor. The restaurant will be open seven days a week, 10:00 a.m. to 1:30 a.m. The applicant intends to have deliveries to the restaurant be made through the rear of the building. Delivery service from the restaurant is not proposed. Trash will be stored in existing receptacles located behind the building and the restaurant will not participate in a recycling program. One parking space is available on site, and valet parking is proposed. The applicant also plans to submit an application to the Board of Aldermen for a liquor license. Because the restaurant is larger than 3,000 square feet and not located in a mixed-use building, it is required to provide parking based on the following ratio: three parking spaces for every five seats on a pro-rated percentage for all square footage in excess of 3,000 gross square feet. Based on the size and number of seats proposed, 52 parking spaces are required on-site or within 500 feet. One off street parking space for employees can be accommodated on site. According to the applicant, valet services will be provided every evening. Section 405.3620.17 of the Off-Street Parking and Loading Regulations permits the Board of Alderman to modify the number of required parking spaces through the conditional use process. Staff supports waiving the requirement for the 51 dedicated off-street parking spaces, and is of the opinion that the combination of valet parking and nearby on-street and off-street public parking spaces are sufficient to meet the parking demands of the proposed use. Based on the City's Bicycle Parking Regulations the proposed restaurant is required to provide two bicycle racks; however, the applicant requests that this requirement be waived. A bicycle rack cannot be accommodated on site in accordance with the Bicycle Parking Regulations due to the footprint of the existing building. The public sidewalk directly in front of the restaurant is intended to be used as outdoor dining. Two existing bicycle racks are located at the north and south ends of this block, approximately 200 feet from the restaurant entrance in each direction. For these reasons staff has approved the request to waive the requirement for two bicycle racks. Because the restaurant will expand to the rooftop and be open until 1:30 a.m. there is a potential for adverse impacts related to noise. To mitigate any potential impacts related to noise, staff recommends that outdoor speakers and music be prohibited, and that interior noise not trespass the subject property boundaries. Exterior lighting is not proposed at this time. To mitigate any potential impacts related to noise, staff recommends that outdoor speakers and music be prohibited, and that interior noise not trespass the subject property boundaries. At this time, there does not appear to be additional adverse impacts associated with the proposed use. Susan stated that staff is of the opinion that the proposed restaurant meets the requirements contained in the regulations governing conditional uses. The restaurant space is comparable in size to other restaurants Downtown. The proposed hours of operation and method of deliveries are consistent with other restaurants in this area. Based on the information regarding the operation of the restaurant as provided by the applicant, staff is of the opinion that the proposed restaurant will be compatible with surrounding uses and recommends approval of the Conditional Use Permit to the Board of Aldermen with the condition that outdoor speakers and music be prohibited, and that audible activities not trespass the subject property boundaries.

Chairman Lichtenfeld commented that the City's been waiting quite a while for a new restaurant to occupy this space.

Mr. Ivy presented color renderings to the members.

Ron Reim asked where valet parking will be.

Mr. Ivy indicated they will use the church (St. Joseph's on Maryland) parking lot.

Mark Winings asked about the 1:30 a.m. closing time.

Louis Clayton informed the members that Tribeca was approved for a 1:30 a.m. closing time.

Mark Winings commented that there's really no residential nearby.

Louis Clayton agreed, stating except for the hotel across the street.

Chairman Lichtenfeld asked how many seats are on the rooftop.

Mr. Ivy replied "62".

Chairman Lichtenfeld mentioned the exits.

Mr. Ivy indicated that he has met with the City's new plan reviewer (Building Official) about this project.

Ron Reim asked if staff was okay with the lack of bicycle racks.

Louis Clayton replied "yes"; adding that there's really no place on-site to put them plus there is one rack at each end of the block already.

Chairman Lichtenfeld noted that the plan shows four tables with umbrellas. He asked if one or two of those tables are not in front of this building.

Mr. Ivy stated that they will be; he just drew them in for the rendering; placement on drawing was not exact.

Craig Owens asked the applicant's reaction to staff's recommendation.

Mr. Sedlak stated that he would like to discuss that. He asked if, rather than prohibiting outside speakers and/or music, to simply require placing a limit on the decibel level.

Craig Owens stated that he's been waiting for rooftop dining and that he would be sad if there was no music at all.

Mr. Sedlak agreed. He stated that he's not trying to make this a nightclub; his intent is to make this a place for a nice social gathering and that the menu will consist of sharable items.

Craig Owens stated that he expects 10 p.m. is when noise has to cease.

Chairman Lichtenfeld agreed. He stated that this is a unique opportunity and that the City should provide the opportunity for success and as such, he is in favor of outside music/speakers with proper restrictions such as not allowing audible activities to trespass the property line after 10 p.m.

Ron Reim mentioned that people talking could be heard across the street.

Craig Owens stated that voices carry more than music and that he would like to come up with language to achieve what seems to be the goal here.

Mr. Ivy suggested turning down the volume after 10 p.m.

Susan Istenes reiterated that there is a hotel across the street.

Chairman Lichtenfeld noted that is a good point; however, if music/sound is prohibited, it would adversely impact the rooftop function/purpose.

Craig Owens stated that he believes that 10 p.m. is the time noise must cease per the noise ordinance.

Mr. Sedlak suggested that the restriction be that speaker sound not be able to be heard from the street. He stated that he wants to be a good neighbor and that he, too, believes that voices will be more audible than the speakers.

Ron Reim asked about live music.

Mr. Sedlak stated that there will be no live music.

Being no further questions or comments, Ron Reim made a motion to recommend approval of the conditional use permit to the Board of Aldermen with the condition that sound from speakers not be heard from the street at any time of day/night. The motion was seconded by Craig Owens and unanimously approved by the members.

The architectural aspects of the project were now up for review.

Susan Istenes stated that due to the fact that no one was in the audience, she was not going to read the staff report. She noted; however, that a variance by the City's Board of Adjustment will need to be granted before the rear alterations can commence. She stated that staff recommends approval

with the condition that the variance be approved and that the applicant submit a revised site plan showing the green-screen and trellis located entirely within the property boundaries.

Chairman Lichtenfeld asked the applicant if they are okay with these staff recommendations.

Mr. Ivy replied “yes”, noting that the drawings have already been changed and that they have already submitted their application to the Board of Adjustment.

Ron Reim asked about the fire escape on the north side.

Mr. Ivy indicated that it is existing and they didn’t want to remove it even though the building could function without it.

Ron Reim commented that there is trash near the fire escape.

Mr. Sedlak stated that it would be cleaned up.

Sherry Eisenberg asked if there are changes proposed for the trash area.

Mr. Ivy replied “no”.

Sherry Eisenberg questioned if it is sufficient.

Mr. Sedlak stated that there will be more pick-ups than there are currently.

Craig Owens asked about signage.

Mr. Sedlak stated that he will apply for signage once he has made a final decision on the name of the restaurant. He is thinking calling it “Saveur” rather than “Eleventh Hour”.

Hearing no further questions or comments, Chairman Lichtenfeld called for a motion.

Mark Winings made a motion to approve per staff recommendations. The motion was seconded by Craig Owens and unanimously approved by the Board.

Chairman Lichtenfeld asked when he proposes to begin operating.

Mr. Sedlak stated he hopes to open in March.

PUBLIC HEARING – FRONT YARD PROHIBITIONS (AMENDMENT TO ZONING REGULATIONS)

Susan Istenes explained that this is a public hearing to solicit input regarding a proposed amendment to Chapter 405: Zoning Regulations, Section 405.240: Front Yard Prohibitions to allow the operation of mobile food vending equipment in front yards in conformance with proposed amendments to Chapter 505: Streets, Sidewalks and other Public Places, Section 505.125: Private Mobile Food Vending. Mobile food vending equipment includes food trucks, ice cream trucks, mobile barbecue or food smoking equipment and similar motorized or transportable mobile food preparation or vending equipment. On August 28, 2012, the City adopted Section 505.125: Private Mobile Food Vending, to allow the operation of mobile food vending on streets, alleys, sidewalks, rights-of-way, City property and private property, as long as it is used solely to serve a private event not open to the general public. Staff is in the process of preparing amendments to Section 505.125: Private Mobile Food Vending, which would allow established Downtown restaurants, groceries, and food retailers to operate mobile food vending equipment and sell to the public on the site they are located, or on locations Downtown that are at least 200 feet from the primary entrance of another established restaurant, grocery, or food retailer. Because Section 505.125: Private Mobile Food Vending is not part of the Zoning Regulations, the amendments only require approval by the Board of Aldermen. Section 405.240: Front Yard Prohibitions currently prohibits the sale, display or storage of food products in the front yards on private property, which contradicts the proposed changes to Section 505.125: Private Mobile Food Vending. The proposed text amendment will address this conflict. Susan stated that staff recommends approval of the text amendments to Chapter 405: Zoning Regulations of the City's Land Use Code to the Board of Aldermen as proposed. She informed the members that even though "mobile food trucks" are not addressed in the zoning regulations, "front yard prohibitions" are and she wanted to give them the "full picture" so they would better understand why the change would be necessary.

Chairman Lichtenfeld called for a motion to open the public hearing.

Ron Reim made a motion to open the public hearing. The motion was seconded by Craig Owens and unanimously approved by the members.

Chairman Lichtenfeld, referring to the private property language, asked if that meant he could have a mobile food truck at his house.

Louis Clayton stated that he could, provided it was a catering event (i.e. block party) and met the other regulations. He added that the proposed language does not restrict by land use or location, but is event specific.

Chairman Lichtenfeld asked for confirmation that restaurants that are outside of downtown Clayton are not allowed a mobile food truck.

Louis Clayton confirmed.

Sherry Eisenberg asked if these mobile food trucks can take up street parking.

Louis Clayton stated that the operator would have to obtain City approval to park in the right-of-way.

Ron Reim asked if restaurants will see this as a threat.

Craig Owens indicated that he did not believe so; there would be concern if a food truck parked in front of a restaurant. He referred to the desire to have the bar-b-q truck at Straub's.

Hearing no further questions or comments (no one in the audience), the public hearing was closed. Ron Reim made a motion to recommend approval of the proposed change to 405. 240 "Front Yard Prohibitions" to the Board of Aldermen as recommended. The motion was seconded by Mark Winings and unanimously approved by the members.

Chairman Lichtenfeld announced that the newest member will be at the next meeting.

Being no further question or comments, this meeting adjourned at 6:35 p.m.

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Recording Secretary